

FORTY-FOURTH DAY

(Wednesday, March 27, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Absent—Excused

Bracewell	Fuller
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Fuller was granted leave of absence for today on account of illness on motion of Senator Parkhouse.

Senator Bracewell was granted leave of absence for today on account of important business on motion of Senator Reagan.

Reports of Standing Committees

Senator Kazen submitted the following reports:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 578, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 378, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 379, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Moore submitted the following reports:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 242, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 319, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 285, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 381, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 494, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 378, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 221, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

(Senator Moffett in Chair.)

Senator Owen submitted the following reports:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 396, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 417, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Bradshaw submitted the following report:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 274, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Vice-Chairman.

Senator Colson submitted the following report:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 167, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 168, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLSON, Chairman.

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 169, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLSON, Chairman.

Senator Parkhouse submitted the following report:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 2, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Senator Kazen submitted the following report:

Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 247, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

KAZEN, Chairman.

Senate Bill 420 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Martin	Wood

Nays—1

Hardeman

Absent—Excused

Bracewell

Fuller

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 420, A bill to be entitled "An Act making an appropriation of the sum of \$2293.21 to pay the principal of a certain judgment obtained against the State of Texas in Cause Number 102,830 styled Zephyr Oil Company versus the State of Texas, in the District Court of Travis County, Texas, according to the tenor, effect, and reading of such judgment; providing that only the principal of such judgment be paid and that no interest be paid thereon; and declaring an emergency."

To the Committee on Finance.

Senate Concurrent Resolution 54 on First Reading

Senator Weinert moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Martin	Wood

Nays—1

Hardeman

Absent—Excused

Bracewell

Fuller

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 54, Granting Southwest Natural Gas Company permission to sue the State of Texas.

Whereas, Southwest Natural Gas Company is a Delaware Corporation with a Permit to do business in the State of Texas, and has been doing business in the State of Texas continuously since long prior to 1935; and

Whereas, The said Southwest Natural Gas Company has paid to the State of Texas gas gathering taxes beginning with the month of September, 1951, and continuing through and for April, 1952, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company v. Robert S. Cal-

vert, et al. and Panhandle Eastern Pipeline Company v. Robert S. Calvert, et al., 347 U. S. 157, 74 S. Ct. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of Texas with the House of Representatives concurring, That Southwest Natural Gas Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, within two (2) years from the effective date of this resolution, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Southwest Natural Gas Company under said unconstitutional law. The sole purpose of this resolution is to grant permission to the aforesaid Southwest Natural Gas Company to bring suit against the State of Texas, and no admission or liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which it seeks to recover must be proved in Court as in other civil cases. Service of citation may be had by service upon the Attorney General, the State Treasurer and the Comptroller of Public Accounts of the State of Texas, and be it further

Resolved, That no interest shall be paid to Southwest Natural Gas Com-

pany in the event a final judgment is obtained by it for recovery of taxes paid under House Bill No. 285, Fifty-second Legislature; provided if a final judgment is obtained by the Southwest Natural Gas Company all increases in rates obtained on the basis of taxes paid under House Bill 285, Regular Session, Fifty-second Legislature, shall be refunded in full to all those having paid such rate increase.

To the Committee on Jurisprudence.

Senate Resolution 281

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery members of Mason High School American History classes; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ashley by unanimous consent presented the students to the Members of the Senate.

Presentation of Guests

Senator Secrest by unanimous consent presented 13 students of the Sharp Junior High School of Milam County and teacher, Mr. Sherman Mayfield to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 53, Commemorating the 121st Anniversary of Goliad.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Resolution 282

Senator Reagan offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the History Class of the W. B. Ray High School, Corpus Christi, Texas, accompanied by their teacher, Mr. Charles E. Haynes; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the students and Mr. Haynes to the Members of the Senate.

Senate Bill 417 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent S. B. No. 417 was ordered not printed.

Senate Bill 421 on First Reading

Senator Fly moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Herring
Ashley	Hudson
Bradshaw	Kazen
Colson	Krueger
Fly	Lane
Gonzalez	Lock
Hardeman	Martin
Hazlewood	Moffett

Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

Absent—Excused

Bracewell	Fuller
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The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Fly:

S. B. No. 421, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in San Patricio County by authorizing the County to issue certificates of indebtedness for certain slated purposes; stating terms and condition of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; making the act cumulative; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

(President in the Chair.)

Senate Bill 422 on First Reading

Senator Bradshaw moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Absent—Excused

Bracewell	Fuller
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The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Bradshaw:

S. B. No. 422, A bill to be entitled "An Act amending Article 14.23 of the Texas Insurance Code, relating to assessments of mutual assessment companies, by adding a provision requiring that increases in assessments ordered by the Board of Insurance Commissioners be placed in the mortuary or relief fund; and declaring an emergency."

To the Committee on Insurance.

Senate Bill 423 on First Reading

Senator Secrest moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—1

Martin

Absent—Excused

Bracewell	Fuller
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The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Secrest:

S. B. No. 423, A bill to be entitled "An Act to amend the Title Insurance Law, Chapter 9 of the Insurance Code, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, as amended by Acts of the 54th Legislature, Regular Session, 1955, Chapter 489, by adding a new article (Article 9.01a) thereto, applying to all corporations doing a title insurance business and

created under this Chapter or under subdivision 57, Article 1302a, Texas Civil Statutes (Acts 1929, 41st Legislature, page 77, Chapter 40, as amended Acts 1945, 49th Legislature, page 383, Chapter 245, Sec. 1), or under any other law, granting to such corporations the right to adopt and become subject to certain provisions of the Texas Business Corporation Act (Acts of the 54th Legislature, Regular Session, 1955, Chapter 64), and prescribing the procedure for such adoption, and containing a provision regarding conflicting laws; and amending Article 9.09 of Chapter 9 of the Insurance Code concerning filing of charter and amendments; and a provision declaring that the holding as unconstitutional of any part of this Act shall not affect the remainder; and declaring an emergency."

To the Committee on Insurance.

Senate Bill 424 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Absent—Excused

Bracewell	Fuller
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 424, A Bill to be entitled "An Act amending Art. 725b, Title 12, Ch. 3, p. 52, as amended, of Ver-

non's Annotated Penal Code by adding a new Section 3 to replace the Section 3 repealed by Acts 1943, 48th Leg., p. 703, ch. 391 (dealing with manufacturers and wholesalers of narcotic drugs); by adding a new section 4 to replace the Section 4 repealed by Acts 1953, 53rd Leg., p. 812, ch. 328, § 2 (dealing with the qualification for licenses of manufacturers and wholesalers under Section 3); amending Section 8 as amended Acts 1941, 47th Leg., p. 647, ch. 392, § 1, (concerning exempted preparations); amending Section 9(1) as amended Acts 1941, 47th Leg., p. 647, ch. 392, § 2 and Acts 1943, 48th Leg., p. 346, ch. 225, § 1, by deleting the last complete sentence in such section (dealing with the purchase of paregoric); by adding to Section 18 a new sub-section, designated Section 18b (dealing with action by licensing board), providing for severability; providing for a saving clause; and declaring an emergency."

To the Committee on Jurisprudence.

Co-Author of Senate Bill 409

Senator Moffett asked unanimous consent to be shown as Co-Author of S. B. No. 409.

There was no objection offered.

House Bill 434 Re-referred

On motion of Senator Secrest and by unanimous consent H. B. No. 434 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Public Health.

Senate Resolution 283

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate. Mrs. T. T. Duncan, Jr., of El Campo, and her mother, Mrs. Paul Holcomb; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 284

Senator Lock offered the following resolution:

Whereas, The Girls' Basketball Team of Buna High School has recently won the State Championship in Class AA, and

Whereas, Their coach, R. C. Hyden, has worked untiringly to lead the Buna team to sixty-two consecutive victories and build a team of which all Texas can be proud, and

Whereas, This fine team demonstrated the highest type of competitive spirit and skill in winning the championship, and

Whereas, The students and faculty of the Buna High School should be commended on the fine ability of this team; now, therefore, be it

Resolved by the Senate of the State of Texas, That this fine group be congratulated on their accomplishment, and, be it further

Resolved, That copies of this Resolution be sent to each team member and to Coach Hyden.

The resolution was read and was adopted.

House Bill 151 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 151, A bill to be entitled "An Act authorizing State departments to use certified mail in lieu of registered mail; declaring the mailing of notices and other material by certified mail to have the same legal effect as if sent by registered mail; continuing use of registered mail where insurance against loss is needed; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend H. B. No. 151, Section 1, by changing the semicolon to a period at the end of Line 4, and by striking out the following:

"except where registered mail is specifically required by any Federal law, or where registered mail is required by Texas statutes in matter of citations and other matter involving legal proceedings."

The amendment was read.

Senator Hardeman offered the following substitute for the Committee Amendment:

Amend H. B. No. 151, Section 1, by striking out all of lines 20, 21, and 22 of the printed bill and substituting in lieu thereof the following:

"except where registered mail is required by the Texas Rules of Civil Procedure or in connection with any court proceedings."

The substitute for the Committee Amendment was adopted.

The Committee Amendment as substituted was then adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend H. B. No. 151 by striking out the figure "2" after the word "section" and change it to "3" and by adding a new section as the end of Section 1 to be known as "Section 2" to read as follows:

"Any law or parts of laws in conflict herewith are hereby repealed."

The Committee Amendment was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend H. B. No. 151 by adding in the caption after the semicolon in the last line thereof the words "repealing conflicting laws:"

The Committee Amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 151 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 151 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin

Ashley

Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Martin	Wood
Moffett	

Absent—Excused

Bracewell	Fuller
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Owen
Ashley	Parkhouse
Bradshaw	Phillips
Colson	Moore
Fly	Moffett
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Absent—Excused

Bracewell	Fuller
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House Bill 71 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 71, A bill to be entitled "An Act providing that where a defendant in the course of a criminal action, gives a bail bond or enters into a recognizance before any court or person authorized by law to take same, for his personal appearance before a court or magistrate, to answer a charge against him, the said bond or recognizance shall be valid and binding upon the defendant and his

sureties thereon; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Vote

Senator Roberts asked to be recorded as voting "Nay" on the passage of H. B. No. 71 to third reading.

House Bill 71 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	Moffett
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Nays—3

Hudson	Roberts
Owen	

Absent

Moore

Absent—Excused

Bracewell	Fuller
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 230 on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 230, A bill to be entitled "An Act amending the Revised Civil Statutes of Texas, by adding thereto

a new Article to be numbered Article 6701½ providing for the issuance of permits by the State Highway Department for the movement of over-length and over-width mobile homes and/or component parts thereof over the highways of Texas; providing a method of issuing such permits; providing a bond; providing a fee; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 230 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Wood

Nays—1

Willis

Absent—Excused

Bracewell Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Ratliff and Willis asked to be recorded as voting "Nay" on the final passage of H. B. No. 230.

Senate Resolution 285

Senator Rogers offered the following resolution:

Whereas, We are honored today to

have as visitors in the Senate thirty-five outstanding Texas citizens and farm leaders representing 12,000 Farm Bureau families from Floyd, Parmer, Bailey, Motley, Swisher, Hale and Castro counties of the 30th Senatorial District, and Lubbock, Terry, Crosby, Lynn, Cochran and Hockley counties of the 28th Senatorial District and Dickens County of the 24th Senatorial District; and

Whereas, These distinguished citizens are here to observe and study our State government in action and to become better informed in the governmental processes of our American system; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate and that they be extended the official welcome of the Senate.

ROGERS
SMITH
RATLIFF

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 286

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. V. Y. Graham, Superintendent of Schools at Woodson, Texas, and Mr. Wayne Hales, Superintendent of Schools at Newcastle, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

S. B. No. 214, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act; repealing laws in conflict herewith; and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Presentation of Guests

Senator Gonzalez by unanimous consent presented 1100 students with sponsors and teachers of the San Antonio Public Schools to the Members of the Senate.

House Bill 99 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 99, A bill to be entitled "An Act amending portions of Chapter 118, Acts of the 52nd Legislature, 1951, which is codified as Article 4528c of Vernon's Texas Civil Statutes and is sometimes known as the Vocational Nurse Act; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Votes

Senator Ratliff and Phillips asked to be recorded as voting "nay" on the passage of H. B. No. 99 to third reading.

House Bill 99 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 99 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—2

Phillips	Ratliff
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Absent

Moore	Reagan
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Absent—Excused

Bracewell	Fuller
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—2

Phillips	Ratliff
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Absent

Moore	Reagan
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Absent—Excused

Bracewell	Fuller
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Senate Resolution 288

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, forty-two students of the Social

Studies Department of the Booker T. Washington School of Texas City, accompanied by their teacher, Mrs. Arilla Beavers; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students and Mrs. Beavers to the Members of the Senate.

Vote Reconsidered on Final Passage of House Bill 230

On motion of Senator Lane and by unanimous consent the vote by which H. B. No. 230 was finally passed today was reconsidered and the President laid before the Senate H. B. No. 230 on its third reading.

Senator Lane offered the following amendment to the bill:

Amend H. B. 230 by changing the figure \$5.00 in Section D to read \$2.50.

The amendment was adopted by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Absent—Excused

Bracewell	Fuller
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The bill was again passed by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Wood
Lock	

Nays—2

Ratliff	Willis
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Absent—Excused

Bracewell	Fuller
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Message From Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
March 27, 1957.

To the Senate of the Fifty-fifth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Chairman of the Highway Commission for a six-year term to expire February 15, 1963:

Brady Gentry of Tyler, Smith County.

To be District Judge of the 65th Judicial District to fill the unexpired term of Honorable Morris A. Galatzan, resigned:

Robert E. Cunningham of El Paso, El Paso County.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

House Concurrent Resolution 37 on Second Reading

On motion of Senator Owen and by unanimous consent the President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 37, Granting the Tree "T" Fleet, Incorporated, permission to sue the State.

The resolution was read and was adopted.

Motion to Place House Bill 382 on Second Reading

Senator Smith asked unanimous consent to suspend the regular order of business and take up H. B. No. 382 for consideration at this time.

There was objection.

Senator Smith then moved to suspend the regular order of business and take up H. B. No. 382 for consideration at this time.

The motion was lost by the following vote: (not receiving two-thirds vote of the Members present)

Yeas—15

Colson	Parkhouse
Gonzalez	Phillips
Hazlewood	Reagan
Herring	Rogers
Kazen	Smith
Krueger	Willis
Lock	Wood
Moffett	

Nays—11

Aikin	Martin
Ashley	Ratliff
Bradshaw	Roberts
Fly	Secrest
Hardeman	Weinert
Lane	

Absent

Hudson	Owen
Moore	

Absent—Excused

Bracewell	Fuller
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Senate Resolution 289

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery 14 members of the Texas History Class of Bertram High School, accompanied by O. R. Scott, teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young

American citizens is here to observe and learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ashley by unanimous consent presented the students to the Members of the Senate.

Senate Resolution 290

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. Smith Reese, principal, and Misses Ruby Smith and Ann Mullin and Messrs. Don Lacy and Thomas Williams, students of Turkey High School, Turkey, Texas; and

Whereas, These student leaders are en route to Galveston, Texas, to attend as delegates of Turkey High School, the Texas High School Student Government Convention; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 53, Commemorating the Heroes of Goliad and the Memorial Celebration thereof on March 27, 1957.

Adjournment

On motion of Senator Hardeman the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
W. L. Ashburn, Jr.

Senator Roberts offered the following resolution:

(Senate Resolution 287)

Whereas, In the passing of W. L. Ashburn, Jr., of Denison, Texas, from this earthly life on the 23rd day of March, 1957, the people of the State of Texas, and in particular the people of Grayson County and the City of Denison, have suffered an irreparable loss; and

Whereas, The people of Texas mourn the passing of this good and unselfish business, political, and civic leader, whose activities during his life have left an impress on the life of our state; and

Whereas, W. L. Ashburn, Jr., was born at Pottsboro, Texas, March 3, 1892, the son of a pioneer Grayson County couple, the late Reverend and Mrs. W. L. Ashburn; was educated in Texas schools; and

Whereas, His first business venture was the establishment of a creamery in Sherman, Texas, in 1916, which business was interrupted by his service in World War I; after which he established the Ashburn's Creamery in Denison; and

Whereas, He was elected Mayor of Denison in 1940 and served two terms during the war years; and

Whereas, He was a past president of the Denison Chamber of Commerce, and the Denison Rotary Club; past Chairman of the Grayson County Red Cross Board; Director of the American Red Cross at the time of his death; was active in Boy Scout work, and the Camp Fire Girls; was a member of the Rod and Gun Club, the Masons, the Shrine, the Dokkies, and the Methodist Church; and

Whereas, The Senate of Texas takes note of the fact that W. L. Ashburn, Jr. had served in many other civic capacities and that he was never called upon for a civic or charitable duty or contribution that he did not respond fully, freely, and graciously; now, therefore, be it

Resolved, That the Senate fully recognizes the fact that W. L. Ashburn was widely respected and enjoyed a special place in the heart of all who knew him;

The Senate further recognizes that W. L. Ashburn, Jr. had a happy faculty of doing a maximum of good with a minimum of publicity; and

That, all in all, he was a great and good man, loyal and true to his family and friends, loved and respected by all from every walk of life who knew him.

To his wife, Mrs. Blanche Church Ashburn, of Denison; his two sons, W. L. Ashburn III, with the U. S. Army at Fort Carson, Colorado; and Donald Ashburn, of Denison, Texas; his two daughters, Mrs. R. L. Skaggs, of Denison; and Mrs. Harold Pace, of Sherman; his four brothers, Paul Ashburn, Sr., of Denison; Harrell Ashburn, of Fort Worth; Frank Ashburn, of Sherman; and Lawrence Ashburn, of Dallas; his sister, Mrs. Sophia Knowles, of Port Arthur; the Senate of Texas extends its most sincere sympathy; and, be it further

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this fine citizen and his family and that when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; now, therefore, be it finally

Resolved, That enrolled copies of this Resolution be forwarded to the surviving members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.